

ORDINANCE NO. 13-22

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE RIGHT-OF-WAY DEED FROM BAL BAY REALTY, LTD., A FLORIDA LIMITED PARTNERSHIP, CONSISTING OF APPROXIMATELY 6,294 SQUARE FEET IN TOTAL AREA WITHIN THE HIALEAH RACETRACK PROPERTY LOCATED AT 2200 EAST 4 AVENUE, HIALEAH, FLORIDA AS MORE PARTICULARLY DESCRIBED WITHIN THE RIGHT-OF-WAY DEED, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 27, 2013 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida hereby accepts a right-of-way deed from Bal Bay Realty, Ltd., a Florida limited partnership, consisting of approximately 6,294 square feet in total area within the Hialeah Racetrack property located at 2200 East 4 Avenue, Hialeah, Florida, legally described as follows:

A PARCEL OF LAND BEING A PORTION OF TRACT "A" OF PLAT OF MIAMI JOCKEY CLUB, AS RECORDED IN PLAT BOOK 34, PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT A OF PLAT OF MIAMI JOCKEY CLUB, AS RECORDED IN PLAT BOOK 34, PAGE 28, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH $87^{\circ}29'13''$ EAST, ALONG THE NORTH LINE OF SAID TRACT A, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF EAST 32 STREET, A DISTANCE OF 356.08 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED RIGHT-OF-WAY DEDICATION; THENCE CONTINUE NORTH $87^{\circ}29'13''$ EAST, ALONG THE NORTH LINE OF SAID TRACT A, A DISTANCE OF 703.90 FEET; THENCE SOUTH $02^{\circ}30'48''$ EAST, A DISTANCE OF 1.50 FEET; THENCE SOUTH $83^{\circ}52'15''$ WEST, A DISTANCE OF 150.62 FEET; THENCE SOUTH $87^{\circ}29'13''$ WEST, ALONG A LINE 11.00 FEET SOUTH AND PARALLEL WITH THE NORTH LINE OF SAID TRACT A AND THE SOUTH RIGHT-OF-WAY LINE OF EAST 32 STREET, A DISTANCE OF 404.66 FEET; THENCE NORTH $88^{\circ}43'22''$ WEST, A DISTANCE OF 146.80 FEET; THENCE SOUTH $87^{\circ}28'29''$ WEST, A DISTANCE OF 2.44 FEET; THENCE NORTH $02^{\circ}34'22''$ WEST, A DISTANCE OF 1.30 FEET TO THE POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the

City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

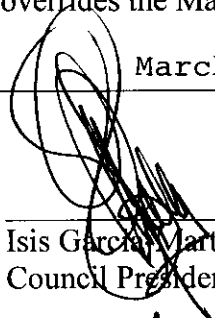
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

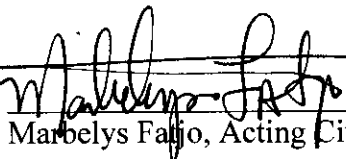
PASSED and ADOPTED this 26 day of March, 2013.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PASSED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

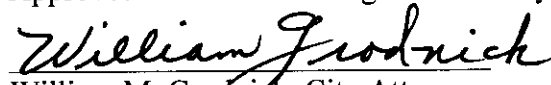
Attest:

Approved on this 1 day of April, 2013.


Marbelys Fallo, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney



CFN 2013R0339150
OR Bk 28606 Pgs 3007 - 3012; (6pgs)
RECORDED 04/30/2013 12:14:34
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Return to:

City of Hialeah, Florida
Law Department
501 Palm Avenue
Hialeah, Florida 33010

Instrument prepared by:

William M. Grodnick, City Attorney
City of Hialeah Law Department
501 Palm Avenue, Hialeah, Florida 33010

Property Appraiser's Parcel Identification (Folio)
Number(s): 04-3107-001-0010
(Parent Folio)

**RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA
FOR PUBLIC RIGHT-OF-WAY**

THIS INDENTURE, made this 10th day of January, 2013, by and between Bal Bay Realty, Ltd., a Florida limited partnership, whose address is 2200 East 4 Avenue, Hialeah, Florida 33013, party of the first part, and the City of Hialeah, Florida, a municipal corporation organized and existing by virtue of and under the laws of the State of Florida, its successors in interest, whose address is 501 Palm Avenue, Hialeah, Florida 33010, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and No/100th (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, has granted, bargained, and sold to the party of the second part, its successors in interest, for the purpose of a public right-of-way and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

It is the intention of the party of the first part, by this instrument, to convey to the party of the second part, and its successors in interest, the land above described for use a public right-of-way and for all purposes incidental thereto.

It is expressly provided that if and when the said right-of-way shall be lawfully and permanently discontinued, the title to the said above-described land shall revert to the party of the first part, its heirs and assigns, and such party shall have the right to repossess the same.

And the party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming by, through or under the party of the first part.

Handwritten signature and date:
Dud
13-02

IN WITNESS WHEREOF, the said party of the first part has hereunto set our hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Bal Bay Realty, Ltd.
A Florida limited partnership
2200 East 4 Avenue
Hialeah, Florida 33013

By: Bal Bay Managers, Inc.
Managing Member

By: [Signature]
John J. Brunetti, Sr. Date
President

[Signature]
Witness
Typed/Printed Name: JACK PEARLES

[Signature]
Witness
Typed/Printed Name: Sylvia N. Martinez

(SEAL)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared John J. Brunetti, Sr., as President of Bal Bay Managers, Inc., managing member of Bal Bay Realty, Ltd., a Florida limited partnership, who is known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, and I relied upon the following form of identification of the above-named persons:

or is personally known to me and that an oath was taken.

NOTARY SEAL



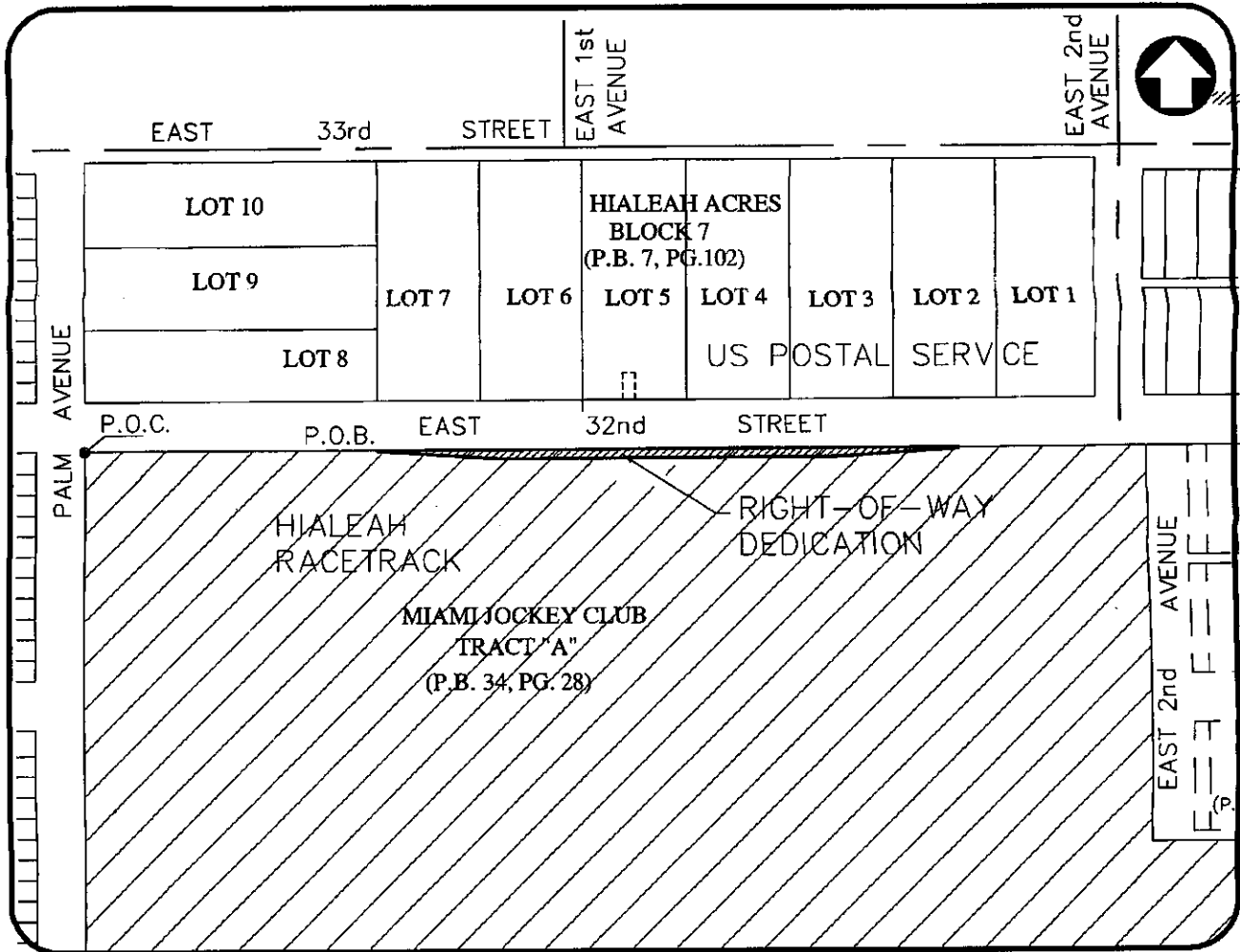
Witness my hand and official seal in the County and State last aforesaid this 10th day of January, 2013.

[Signature]
Notary Signature

Typed/printed name

My commission no.:

RIGHT OF WAY DEDICATION



PORTION OF E 1/2 OF SECTION 7-53-41

NOTICE:

Not full and complete without Pages 2, 3 & 4

Page 1 of 4

EXHIBIT LOCATION SKETCH

NOT TO SCALE

-THIS IS NOT A SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

"HIALEAH RACE TRACK",
2200 EAST 4 AVENUE, HIALEAH, FLORIDA, 33013

Folio # 04-3107-001-0010

MIAMI-DADE COUNTY

Section 7, Township 53 South, Range 41 East

Date: September 28, 2012

RIGHT OF WAY DEDICATION

LEGAL DESCRIPTION:

A parcel of land being a portion of Tract "A" of plat of MIAMI JOCKEY CLUB, recorded in Plat Book 34, at Page 28 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commence (P.O.C.) at the Northwest corner of Tract A of plat of MIAMI JOCKEY CLUB, recorded in Plat Book 34, at Page 28 of the Public Records of Miami-Dade County, Florida; thence N87°29'13"E, along the North line of said Tract A, also being the South right-of-way line of East 32nd Street, a distance of 356.08 feet to the Point of Beginning (P.O.B.) of the hereinafter described right-of-way dedication; thence continue N87°29'13"E, along said North line of said Tract A, a distance of 703.90 feet; thence S02°30'48"E, a distance of 1.50 feet; thence S83°52'15"W, a distance of 150.62 feet; thence S87°29'13"W, along a line 11.00 feet south and parallel with the North line of said Tract "A" and the south right-of-way line of East 32nd Street, a distance of 404.66 feet; thence N88°43'22"W, a distance of 146.80 feet; thence S87°28'29"W, a distance of 2.44 feet; thence N02°34'22"W, a distance of 1.30 feet to the Point of Beginning.

Containing 6,294 Square Feet or 0.14 Acres more or less by calculations.

NOTICE:

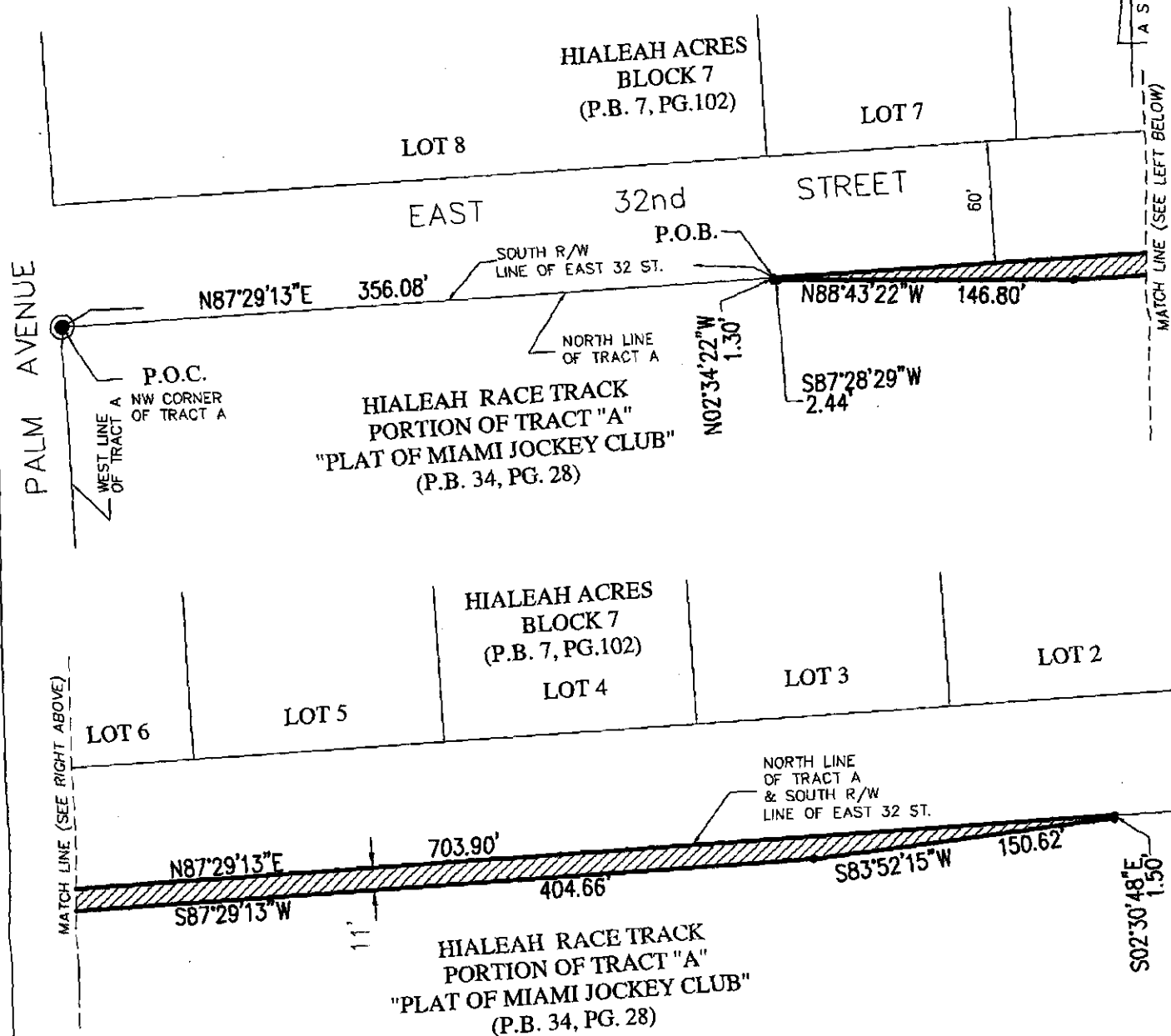
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Page 3 of 4

EXHIBIT
LEGAL DESCRIPTION
-THIS IS NOT A SURVEY-

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
"HIALEAH RACE TRACK",
2200 EAST 4 AVENUE, HIALEAH, FLORIDA, 33013
Folio # 04-3107-001-0010
MIAMI-DADE COUNTY
Section 7, Township 53 South, Range 41 East
Date: September 28, 2012

RIGHT OF WAY DEDICATION



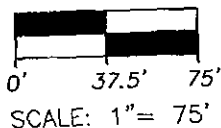
LEGEND

P.O.B.	Point of Beginning	SEC.	Section
P.O.T.	Point of Termination	TWP.	Township
P.O.C.	Point of Commence	RGE.	Range
P.B.	Plat Book	CL	Centerline
PG.	Page	COR	Corner
R/W	Right-of-Way		

NOTICE:
Not full and complete without Pages 1, 3 & 4
Page 2 of 4

**EXHIBIT
SKETCH**
-THIS IS NOT A SURVEY-

GRAPHIC SCALE



SKETCH TO ACCOMPANY LEGAL DESCRIPTION
"HIALEAH RACE TRACK",
2200 EAST 4 AVENUE, HIALEAH, FLORIDA, 33013
Folio # 04-3107-001-0010
MIAMI-DADE COUNTY
Section 7, Township 53 South, Range 41 East
Date: September 28, 2012

RIGHT OF WAY DEDICATION

SOURCES OF DATA:

The Legal Description of the Subject Parcel of Land was generated from information provided by the client. In addition, the following sources of data were used to the extent required to complete this document in a defensible manner. That is to say:

North Arrow refers to an assumed value of N89°29'13"E, along the North line of Tract A of plat of MIAMI JOCKEY CLUB, recorded in Plat Book 34, at Page 28 of the Public Records of Miami-Dade County, Florida

CLIENT INFORMATION:

This Sketch and Legal Description was prepared at the insistence of:

HIALEAH RACE TRACK

LIMITATIONS:

Since no other information other than what is cited in the Sources of Data was furnished, the Client is hereby advised that there may legal restrictions on the subject property that are not shown on the Sketch that may be found in the Public Records of Miami-Dade County, or any other public and private entities as their jurisdictions may appear. The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear in public records.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief. Further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

J. BONFILL & ASSOCIATES, INC.

Florida Certificate of Authorization Number LB3398
7100 Southwest 99th Avenue, Suite 104
Miami, Florida 33173 Phone: 305.598.8383

By: _____

Juan J. Bonfill, P.L.S.

Professional Land Surveyor No. 3179

State of Florida

September 28, 2012

Project: 10-0389

Job: 12-0224-2 Sketch & Legal R/W Dedication

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps and Reports by other than the signing party are prohibited without the written consent of the signing party. This document consists of multiple Exhibits and Sheets. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 5J-17 of the Florida Administrative Code.

NOTICE:

Not full and complete without Pages 1, 2 & 3

Page 4 of 4

EXHIBIT SURVEYOR'S NOTES

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